

**RICHARD T. BISSEN, JR.**  
Mayor

**JOSIAH K. NISHITA**  
Managing Director

**JOHN STUFFLEBEAN, P.E.**  
Director

**JAMES A. LANDGRAF**  
Deputy Director



**DEPARTMENT OF WATER SUPPLY**  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
<http://www.mauicounty.gov/water>

December 2, 2025

The Honorable Richard T. Bissen, Jr.  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

**APPROVED FOR TRANSMITTAL**

*Richard T. Bissen* 12-2-25  
Mayor Date

For Transmittal to:

Honorable Tom Cook, Chair  
Water and Infrastructure Committee  
Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

Dear Chair Cook,

**SUBJECT: BILL 158 (2025), ON WATER CONSERVATION AND CONTROL OF WATER USE DURING WATER SHORTAGES (WAI-18)**

Thank you for your letter dated November 26, 2025. Department of Water Supply (DWS) provides the following response to your questions:

1. Proposed Subsection 14.06B.030(C), Maui County Code, states:  
"The department will prioritize the replacement of old and leak-prone water mains and will encourage consumers to report and repair water line leaks located on private property within three days or less, depending on the severity of the leak. Unresponsive owners of both occupied and unoccupied properties may face fines and service shutoff if the leak is not repaired within 30 days."

*"By Water All Things Find Life"*

The second sentence appears to assume the leak is to be repaired by the owner and not the Department. Should the sentence be rephrased or supplemented to account for the circumstance where the leak is not repaired within 30 days because the Department is unable to timely repair the leak? Please advise and suggest language, if necessary.

**Response:**

The Department will not repair leaks on the property owner's side of the DWS water meter. The last sentence of the paragraph can be revised as follows:

"The department will prioritize the replacement of old and leak prone water mains and will encourage consumers to report and repair water line leaks located on private property within three days or less, depending on the severity of the leak. Unresponsive owners of occupied or unoccupied properties may face fines and service shutoff if leaks on the owner's side of the meter are not repaired within 30 days."

2. Code Subsection 14.06B.080(A) ends with the sentence: "This section is subject to any declaration issued by the State of Hawaii, department of land and natural resources, commission on water resource management."

- a. Is the sentence intended to apply only to this section, which relates to the effect of water shortage declaration on agricultural consumers, as suggested, or to apply more broadly? If it is intended to apply only to section 14.06B.080, then it will be moved to a separate subsection D.

**Response:**

The sentence is intended to apply to section 14.06B. 80 only. Exemptions for agricultural consumers may not be provided for if reductions in water use are required under a water shortage declared by the Commission on Water Resource Management according to HRS 174C-62.

- b. What does it mean to be "subject to" any CWRM declaration? If the intent is that, in the event of any conflict between this section's provisions and the requirements of a declaration issued by the State Commission on Water Resource Management, the CWRM declaration will prevail, please provide appropriate language.

**Response:**

Should the commission on water resource management declare a water shortage as set forth in Hawaii Revised Statutes 174C-62 and impose water restrictions upon agricultural consumers, such restrictions prevail.

3. The first exemption under Code Section 14.06B.090, states: "Irrigation using 100 percent recycled water, gray water, or rainwater catchment." Would a combination of these sources equating to 100 percent also be acceptable?

**Response:**

Yes, a combination of recycled water, gray water, or rainwater catchment may be combined to equate to 100 percent of irrigation water. The sentence can be revised as follows:

"When permitted to use recycled water, a user may meet up to 100 percent of irrigation needs with any combination of recycled water, gray water, or rainwater catchment."

4. Under Code Section 14.06B.100, relating to Water waste:
  - a. The first paragraph under actions constituting water waste states:

"Applying water in quantities for landscapes, yard maintenance, or other outdoor activities, that overflows or sprays onto an adjacent property which pools or obstructs a public thoroughfare, and potentially causes erosion."

- (1) Is the intent that the overflow or spray onto adjacent property also cause pooling or obstruction of a public thoroughfare to constitute water waste? Or is the intent that overflow or spray onto adjacent property constitutes water waste, and applying the water in a manner that allows the water to pool or obstruct a public thoroughfare also separately constitutes water waste? If the latter, the language will be adjusted accordingly.

**Response:**

This section is meant to discourage oversaturation of irrigated areas whereby excessive, unabsorbed, water causes runoff and pooling on adjacent properties, and when overspray water is wasted on hard-paved, public thoroughfares. Erosion is sometimes mentioned in water conservation ordinances to prevent the destabilization of soil under structures that damages property, and to prevent

unnecessary discharge of sediment into storm drains or waterways. There is a connection to water conservation and erosion in this regard, but it can be removed to be more concise as follows:

“Applying water for landscaping, yard maintenance, or other outdoor uses in a manner that excess water overflows, pools, or sprays onto adjacent property or into a public thoroughfare.”

- (2) Is the phrase “potentially causes erosion” needed?

**Response:**

The phrase can be removed per our response to question 4.  
a. (1).

- b. Seven water-conserving practices are listed as water waste “remedies.”

- (1) How would these remedies be triggered? Are these practices being listed as a means to respond to a violation? Did the Department intend to describe these practices as remedies or something else?

**Response:**

Water waste is common, and many people unintentionally use more water than necessary for irrigation or other outdoor purposes. By providing corrective options, we offer clearer guidance that helps both consumers and the DWS promote water efficiency. These remedies may be initiated by the consumer or implemented through DWS corrective actions to address violations. In all cases, the goal is to support the public with practical guidance to conserve water, especially during drought declarations.

5. Under Code paragraph 14.06B.110(C)(5), the bill states:

“These systems should be capable of utilizing recycled water when economically feasible.”

Does the Department intend that the systems only be capable of using recycled water when economically feasible or actually use recycled water when economically feasible?

Honorable Tom Cook, Chair  
Water and Infrastructure Committee  
Maui County Council  
December 2, 2025  
Page 5

**Response:**

The Department is not requiring systems to only use recycled water when economically feasible since most properties require both potable and non-potable water. Recycled water service may also not be available, limits to recycled water system capacity exists, or when pressure and hydraulics pose a physical delivery constraint. Recycled water is available to all water use classes except for single-family, detached, residences that are not part of a managed irrigated common area. The sentence can be revised as follows:

"These systems shall utilize recycled water when, economically, and physically feasible".

Thank you for the opportunity to comment on this agenda item. If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Stufflebean".

JOHN STUFFLEBEAN, P.E.  
Director

cc: Robert De Robles, Planner VI  
Eva Blumenstein, Planning Program Administrator

## WAI Committee

---

**From:** Michelle L. Santos <Michelle.Santos@co.maui.hi.us>  
**Sent:** Tuesday, December 2, 2025 1:50 PM  
**To:** WAI Committee  
**Cc:** Cynthia E. Sasada; Didi A. Hamai; Erin A. Wade; Josiah K. Nishita; Kelii P. Nahooikaika; James A. Landgraf; John Stufflebean; Linda K. Kimura  
**Subject:** MT#11325 BILL 158  
**Attachments:** MT#11325-WAI Committee.pdf